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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,240

09/16/2003

D. Ridgely Bolgiano

I-1-0065.10US

3692

24374 7590 05/06/2009

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EXAMINER

WILSON, ROBERT W

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

05/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/663,240	Applicant(s) BOLGIANO ET AL.	
	Examiner ROBERT W. WILSON	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/26/07, 3/23/09, & 3/30/09</u> . | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 34 is rejected under 35 U.S.C. 102(B) as being anticipated by Wang (U.S. Patent No.; 5,506,106)

Referring to claim 34, Wang teaches: a method for use in a subscriber unit for enabling the location of subscriber unit (hand held unit 7 or subscriber unit whose distance or location is determined per col. 4 line 30 to col. 5 line 15)

Receiving the first plurality of spread spectrum signals transmitted from a plurality of antennas (hand held unit 7 or subscriber unit receives the plurality of pseudo noise coded signals from transmitters 1, 2, 4, and 5 each of which has an antenna or plurality of antennas per col. 4 lines 30 to 65 and col. 5 line 34 to 38)

determining a plurality of chip timing difference between the first plurality of spread spectrum signals wherein the plurality of chip timing difference facilitate determining the location of a subscriber unit using hyperbolas (The hand held unit 7 determines the chip timing difference between the plurality of signals in order to determining the distance to a golf hole or location of the hand held unit or subscriber unit per col. 6 line 13 to col. 7 line 52 using hyperbolic location technique per col. 7 line 53 to 61)

Displaying information indicative of the determined location of the subscriber unit (The distance to the hole or location is displayed per col. 5 line 5 to 14 and per col. 4 lines 66 to col. 5 line 15)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent No.; 5,506,106) in view of Wang (5,912,644)

Referring to claim 1, Wang 106 teaches: transmitting from a plurality of antenna of a network a first plurality of spread spectrum signals having an associated code (Transmitters 1, 2, 4, and 5 each of which has an antenna send a first plurality of pseudo noise coded or spread spectrum signals each having a different code per col. 4 lines 30 to 65 and col. 5 line 34 to 38)

Receiving the first plurality of spread spectrum signals at the subscriber unit (hand held unit 7 or subscriber unit receives the plurality of pseudo noise coded signals per col. 4 lines 30 to 65) and determining a plurality of chip timing difference between the first plurality of spread spectrum signals wherein the plurality of chip timing difference facilitate determining the location of a subscriber unit using hyperbolas (The hand held unit 7 determines the chip timing difference between the plurality of signals in order to determining the distance to a golf hole or location of the hand held unit or subscriber unit per col. 6 line 13 to col. 7 line 52 using hyperbolic location technique per col. 7 line 53 to 61)

Displaying information indicative of the determined location of the subscriber unit (The distance to the hole or location is displayed per col. 5 line 5 to 14 and per col. 4 lines 66 to col. 5 line 15)

Wang 106 does not expressly call for: communication network

Wang 644 teaches: communication network (Both ranging and communication function are provided over the system or communication network per col. 6 lines 22 to 26 and per col. 12 lines 9 to 15)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the communication network of Wang 644 in place of the network of Wang 106 in order to provide the user with voice, data, as well as ranging data over the same network so that the user can intercommunicate with other golfers and club house.

Referring to claim 6, Wang 106 teaches: a subscriber unit capable of being located (Hand held 7 per Fig 1) the subscriber unit comprising:

Code division multiple access (CDMA) receiver configured to receive a first plurality of spread spectrum signals transmitted from a plurality of antenna (12 per Fig 4 and Fig 5 is the CDMA receiver configured to receive a first plurality of pseudo noise coded signals per col. 4 lines 30 to 65)

A control device configured to determine a plurality of chip timing differences between the first plurality of spread spectrum signals (14 per Fig 4 and Fig 5 determines the chip timing difference between the first plurality of signals per col. 6 line 13 to col. 7 line 52)

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A display configured to display the location of the subscriber unit wherein the location is derived from the plurality of chip timing difference using hyperbolas (36 per Fig 7 displays the distance or location of the handheld derived from chip timing difference per col. 6 line 13 to col. 7 line 52 using hyperbolas per col. 7 line 53 to 61)

Wang 106 does not expressly call for: CDMA transmitter

Wang 644 teaches: CDMA transmitter (Spread spectrum or CDMA transceiver or transmitter and receiver per col. 20 line 18 to col. 21 line 64)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the transceiver of Wang 644 in place of the receiver of Wang 106 in order to provide the user with voice, data, as well as ranging data over the same network so that the user can intercommunicate with other golfers and club house.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 6, & 34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2419

RWW
4/28/09